

RECORD OF ORDINANCES

0139

95-07

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 95-07

Passed September 24, 20 07

8/21/07-gmk
(Comm. & Econ. Dev.)

Ordinance No. 95-07

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a community reinvestment area in the City of North Canton, designating a housing officer to administer the program, creating a community reinvestment housing council and a tax incentive review council.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of Ohio Revised Code ("ORC") §§3735.65-70 (herein sometimes referred to as the "Community Reinvestment Area Program") has heretofore authorized municipal corporations to designate Community Reinvestment Area ("CRAs") within the State in order to provide an incentive for new residential, commercial or industrial development and/or rehabilitation in such areas, by making available real property tax exemptions for such new development or rehabilitation; and

WHEREAS, there has been prepared and submitted to this City Council a housing survey covering a proposed CRA located in the City of North Canton, which proposed CRA is designated and described in Exhibit A hereto and made a part hereof, and is herein called City of North Canton Orchard Hill Community Reinvestment Area (the "Orchard-Hill CRA"), and which survey shows the facts and conditions relating to existing structures and undeveloped areas in the Orchard Hill CRA, including among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation of substantial portions of the area; and

WHEREAS, there has been recommended to the City Council the approval of the designation of the Orchard Hill CRA described in Exhibit A as a Community Reinvestment Area, and this City Council has been apprised of such housing survey, and the facts and conditions relating to the Orchard Hill CRA; and this City Council has determined that the new construction and rehabilitation in such Area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities and would be in the best interests of the City; and

WHEREAS, the construction of new housing and remodeling of existing structures in the Orchard Hill CRA constitutes a public purpose for which real property exemptions may be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO, THAT:

- Section 1. Based upon the aforesaid recommendations and upon said housing survey, and on this Council's own knowledge of the facts and conditions existing in the Orchard Hill CRA, this City Council hereby finds and determines that: The Orchard Hill CRA constitutes an area in which housing facilities are located and new housing construction and repair of existing facilities or structures is discouraged.
- Section 2. Pursuant to Section 3735.66 of the Ohio Revised Code, the Orchard Hill CRA is hereby established and designated as a Community Reinvestment Area meeting the requirements of Ohio Revised Code Section 3735.65-3735.70, and said Orchard Hill CRA is hereby established and designated in the area described and depicted in Exhibit A attached hereto.
- Section 3. Within the Orchard Hill CRA, new construction and remodeling of existing residential commercial and industrial structures are hereby declared to be a public purpose and eligible for an exemption from real property taxation. Only residential, commercial and industrial improvements consistent with the applicable zoning regulations within the Orchard Hill CRA will be eligible for exemptions.

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Section 4. Within the Orchard Hill CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the period of those exemptions shall be negotiated on a case-by-case basis in advance of the commencement of construction or remodeling consistent with ORC §3735.67. The results of such negotiations as approved by this City Council will be set forth in writing in Community Reinvestment Area Agreements as outlined in ORC §3735.671.

Section 5. For residential property, a tax exemption is hereby authorized on 100% of the increase in the assessed valuation resulting from improvements as described in ORC §3735.67 and shall be granted upon proper application by the property owner and certification thereof by the City's designated Housing Officer. Residential applications must be filed with the Housing Officer no later than six months after completion of construction, unless such time period is extended in writing by the Housing Officer. The following periods of real property tax exemption shall apply to all residential property:

- (a) 10 years, for the remodeling of dwellings containing not more than 2 units, and upon which the cost of remodeling is at least \$15,000, as described in ORC §3735.67(D)(1).
- (b) 12 years, for the remodeling of dwellings containing more than 2 units, and upon which the cost of remodeling is at least \$50,000, as described in ORC §3735.67(D)(2).
- (c) 15 years, for construction of dwellings as described in ORC §3735.67(D)(3).

Section 6. All commercial and industrial projects are required to comply with the state application fee requirements of ORC §3635.672(C). This Council hereby determines that the City shall waive collection of the local annual monitoring fee of one percent of the amount of taxes exempted in connection with the Orchard Hill CRA Program.

Section 7. To administer and implement the provisions of the Orchard Hill CRA Program in accordance with ORC §§3735.65-70, the City's Director of Economic Development is hereby designated as the Housing Officer. The Housing Officer is authorized and directed to receive applications and grant real property tax exemptions for new structures or remodeling completed after the date of passage of this Ordinance, and is further authorized and directed to make annual inspections of properties within the Orchard Hill CRA for which exemptions have been granted, and to keep the Housing Council and TIRC (as defined below) apprised of any revocations of CRA tax exemption made for lack of adequate property maintenance or compliance with a CRA agreement in accordance with ORC §3735.68.

Section 8. An Orchard Hill Community Reinvestment Area Housing Council (the "Housing Council") shall be established, consisting of two members appointed by the Mayor of the City, two members appointed by the City Council, one member appointed by the Planning Commission of the City and two residents of the City, appointed by a majority of the first five members, which appointments are hereby authorized to be made. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner in which the initial appointment was made. The Mayor of the City, the City Council and Planning Commission are hereby authorized and directed to make their respective appointments to the Housing Council and those five appointed members are authorized to appoint the final two members. The Housing Council shall make an annual inspection of the properties within the Orchard Hill CRA for which an exemption has been granted and shall hear appeals under ORC §3735.70 from property owners which Orchard Hill CRA applications have been denied or tax exemptions revoked by the Housing Officer.

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Section 9. An Orchard Hill Tax Incentive Review Council (The "TIRC") shall be established pursuant to ORC §5709.85. The TIRC shall consist of three representatives appointed by the Board of County Commissioners, two representatives appointed by the Mayor of the City with concurrence of this City Council, the County Auditor (or his/her designee) and a representative of each affected board of education located in the Orchard Hill CRA. At least two members of the TIRC shall be residents of the City. The TIRC shall review annually the compliance of all agreements involving the grant of exemptions for commercial or industrial real property improvements under ORC §3735.61 and shall make written recommendations to the Council as to the continuation, modification or termination of said agreements based upon the performance of those agreements.

Section 10. This City Council reserves the right to re-evaluate the designation of the Orchard Hill CRA after December 31, 2009, and on a biennial basis thereafter, at which time this City Council may direct the Housing Officer not to accept any new applications for exemptions as described in ORC §3735.67, with respect to any additional construction or remodeling thereafter commenced.

Section 11. The Mayor of the City is hereby authorized and directed to petition the State Director of Development ("DOD") to confirm the findings contained within this Ordinance.

Section 12. A copy of this Ordinance shall be forwarded to the Stark County Auditor; and a copy of this Ordinance shall also be published in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its passage.

Section 13. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council or of any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 14. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed: 9/24/07


MAYOR

SIGNED: 9-25, 2007

ATTEST:


CLERK OF COUNCIL

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